

copy

ORDINANCE NO. 1

Series, 1962

AN ORDINANCE RELATING TO THE STORAGE OF GASOLINE; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

The City of Elgin ordains as follows:

Section 1: Storage: Gasoline shall not be stored above ground within the city of Elgin, except in sealed metal containers of not more than a five (5) gallon capacity each, except as hereinafter provided.

Section 2. Permit: A permit must be obtained from the City Council for the use of any storage tank and/or container of gasoline which has a larger capacity than that set forth above in section one (1) of this ordinance. A revocable permit valid for one (1) year may be issued by the City Council.

(1) Written application for a permit or for renewal of a permit to store gasoline shall be made to the City Recorder on forms provided by the City. The application shall be accompanied by a permit fee of \$ 2.50, which shall be returned to the applicant if the application is denied. The City Recorder shall refer the application to the City Council at the next regular City Council meeting.

(2) The City Council may either grant or deny the application for a permit, taking into consideration:

(a) The congestion of persons, the type of buildings, the volume of vehicular traffic and the topography in the vicinity of the storage area.

(b) The condition and construction of the building and/or structure used for the storage of any such gasoline.

(c) The adequacy of water supply in the storage area.

(d) Any other factors relevant to public safety.

(3) The City Council may revoke a permit:

(a) If conditions considered in granting the permit change at the storage area or in the vicinity and the public is endangered by the storage of any such gasoline as authorized by the permit.

(b) If the permittee is convicted of a violation of this ordinance.

(4) Before denying or revoking a permit, the City Council shall give written notice of its proposed action to the applicant or permittee. If, within ten (10) days after the date of such notice, a hearing is requested by the applicant or permittee, the City Council shall fix a time within the next thirty (30) days in which it shall hear the objections of the applicant or permittee to the denial or revocation of the permit. Thereafter the decision of the City Council shall be final.

(5) It shall be the duty of the Chief of Police to enforce the provisions of this ordinance relating to storage, and he shall regularly inspect buildings or structures where gasoline is stored to determine whether storage practices conform to the provisions of this ordinance and the limitations imposed by the permit.

Section 3. Exception: Nothing in this ordinance contained shall be construed to apply to any motor vehicle fuel or oil contained in the tank and/or motor of any motor vehicle or self-propelled equipment when required for the actual operation of such motor vehicle or self-propelled equipment.

Section 4. Continuing Offense: A separate offense is committed each day that a violation of this ordinance is permitted, or permitted to continue.

Section 5. Severability: The sections and sub-sections of this ordinance are severable. The invalidity of one section or sub-section does not affect the validity of the remaining sections or sub-sections.

Section 6. Repealer: Any ordinance, or any clause, sentence, subdivision or section of any ordinance of the City of Elgin, Union County, Oregon, in conflict with this ordinance is hereby repealed.

Section 7. Penalties: Any person violating any provision of this ordinance may, upon conviction of such violation, be imprisoned for a period of not more than ninety days, or fined not more than the sum of \$500.00, or both.

Section 8. Emergency: WHEREAS, it is essential for the health, welfare, peace and safety of the people of the City of Elgin that this ordinance become effective upon the passage thereof, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of a quorum of the City Council and upon its approval by the Mayor of the said City.

PASSED this 13th day of February, 1962.

APPROVED this 13th day of February, 1962.

Mayor

Attested to and filed this
13th day of February, 1962.

City Recorder

Section 3. Repealing: ORDINANCE NO. 1 shall be construed to apply to any motor vehicle fuel or oil contained in the tank and/or motor of any motor vehicle or self-propelled Series, 1962 equipment required for the actual operation of such motor vehicle or self-propelled equipment.

Section 4. Continuing Offense: A separate offense is committed each day **AN ORDINANCE RELATING TO THE STORAGE OF GASOLINE; PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.**

Section 5. Severability: The sections and sub-sections of this ordinance The City of Elgin ordains as follows: section or sub-section does not affect the validity of the remaining sections or sub-sections.

Section 1: Storage: Gasoline shall not be stored above ground within the city of Elgin, except in sealed metal containers of not more than a five (5) gallon capacity each, except as hereinafter provided. County, Oregon, in conflict with this ordinance is hereby repealed.

Section 2. Permit: A permit must be obtained from the City Council for the use of any storage tank and/or container of gasoline which has a larger capacity than that set forth above in section one (1) of this ordinance. A revocable permit valid for one (1) year may be issued by the City Council.

(1) Written application for a permit or for renewal of a permit to store gasoline shall be made to the City Recorder on forms provided by the City. The application shall be accompanied by a permit fee of \$ 2.50, which shall be returned to the applicant if the application is denied. The City Recorder shall refer the application to the City Council at the next regular City Council meeting. the said City.

(2) The City Council may either grant or deny the application for a permit, taking into consideration:

APPROVED this 13th day of February, 1962.

(a) The congestion of persons, the type of buildings, the volume of vehicular traffic and the topography in the vicinity of the storage area.

(b) The condition and construction of the building and/or structure used for the storage of any such gasoline.

(c) The adequacy of water supply in the storage area.

(d) Any other factors relevant to public safety.

(3) The City Council may revoke a permit:

Attested to and filed this

13th day of February, 1962. (a) If conditions considered in granting the permit change at the storage area or in the vicinity and the public is endangered by the storage of any such gasoline as authorized by the permit.

(b) If the permittee is convicted of a violation of this ordinance.

City Recorder

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Section 4. Continuing Offense: A separate offense is committed each day that a violation of this ordinance is permitted, or permitted to continue.

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PASSED this 13th day of February, 1962.

APPROVED this 13th day of February, 1962.

Mayor

Attested to and filed this
13th day of February, 1962.

City Recorder

ORDINANCE NO. 5

Series, 1962

AN ORDINANCE PROVIDING FOR CURFEW HOURS FOR MINORS; PROVIDING FOR PARENTS' AND/OR GUARDIANS' RESPONSIBILITY; REPEALING ALL PREVIOUSLY ENACTED ORDINANCES IN CONFLICT HERewith; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

The People of the City of Elgin do ordain as follows:

Section 1: It shall be unlawful for any person under the age of eighteen years to be upon, loiter upon, wander over, or stroll along the streets, alleys, avenues, public parks or highways within the City of Elgin, after the hour of 10:00 P. M., unless such person shall be accompanied by his parent, or guardian, or other adult person.

Section 2. It shall be unlawful for any person between the ages of eighteen years and twenty-one years to be upon, loiter about, wander over or stroll along the streets, alleys, avenues, public parks or highways of the City of Elgin, Oregon, after the hour of 12:00 P. M., unless such person shall be accompanied by his parent, guardian or other adult person.

Section 3. It shall be unlawful for any parent or guardian, or other adult person having the care and custody of any person under the age of eighteen years, to allow or permit such person to go upon, loiter about, wander over, or stroll along any street, alley, avenue, public park or highway, or other public place within the City of Elgin, Oregon, after the hour of 10:00 P. M., except as provided in Section 1. above.

Section 4. It shall be unlawful for any parent or guardian, or other adult person having the care and custody of any person between the age of eighteen and twenty-one years to allow or permit such person to go upon, loiter about, wander over or stroll along any street, alley, avenue, public park or highway, or other public place within the City of Elgin, Oregon, after the hour of 12:00 P. M., except as provided in Section 2. above.

Section 5. Any police officer of the City of Elgin, Oregon, is hereby authorized and empowered, by virtue of his office, to take charge of any minor, who is found violating the provisions of this ordinance, and upon the first violation thereof, to take such minor to his home and to notify the parent, guardian, or other adult person having the care and custody of such minor, of such violation and the penalty for violating the same.

Section 6. Upon the second violation of this ordinance by a minor, such minor shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the City Jail for a period of not more than thirty (30) days, or both, within the discretion of the Municipal Court.

Section 7. Upon a finding by the Municipal Court that any minor was found to be violating this ordinance by a police officer of the City of Elgin, Oregon, and was taken to his home and that his parent, guardian or other adult person in the care and control of such minor was notified of the minor's violation, and thereafter that said minor has the second time violated this ordinance, said parent, guardian or other adult person having the care and custody of such minor, shall be deemed to be guilty of a misdemeanor and shall be punished by a fine or not more than Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term of not more than sixty (60) days, or both, within the discretion of the Municipal Court.

Section 8. That inasmuch as the ordinances of the City of Elgin, Oregon, are incomplete and fail to competently regulate and prescribe punishment for the violation of curfew hours, and that the curfew hours heretofore prescribed by ordinance are inadequate, and that certain minors within the City of Elgin, Oregon, have been causing difficulties, it is therefore necessary for the preservation of the peace and welfare of the City that this ordinance take effect immediately and that an emergency be declared to exist and that this ordinance therefore be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED this 9th day of October, 1962.

APPROVED this 9th day of October, 1962.

Myron J. Chandler
Mayor

ATTESTED and filed this
9th day of October, 1962.

Edith Hunt
City Recorder